

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ENEL NORTH AMERICA, INC.
Employer

and

Case 32-RC-259399

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL UNION 1245
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

JOHN F. RING, CHAIRMAN

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C., December 3, 2020.

¹ The Board has exercised its discretion under Sec. 102.67(e) of the Board's Rules and Regulations to examine the entire record.

In *Aspirus Keweenaw*, 370 NLRB No. 45 (2020), slip op. at 4–8, the Board set out six situations relevant in considering whether a mail-ballot election is appropriate in light of the extraordinary circumstances presented with the Covid-19 pandemic—the first of which is that “[t]he Agency office tasked with conducting the election is operating under ‘mandatory telework’ status.” The presence of one or more of the six enumerated situations “will normally suggest the propriety of using mail ballots under the extraordinary circumstances presented by” the Covid-19 pandemic. *Id.*, slip op. at 4. As the regional office tasked with conducting the election involved herein was operating under “mandatory telework” status when the Regional Director issued her Decision and Direction of Election, we find that she did not abuse her discretion in directing a mail-ballot election.

In denying review of the Regional Director's finding that the petitioned-for three-facility unit is an appropriate unit, we do not rely on the Regional Director's statement that the fact that all of the facilities included in the petitioned-for unit are located in remote areas “mitigates” the travel time between the facilities, nor do we rely on *Bashas', Inc.*, 337 NLRB 710 (2002) or *Alamo Rent-A-Car*, 330 NLRB 897 (2000). While the factor of geographic proximity weighs against a community-of-interest finding here, the other relevant factors on balance establish that the petitioned-for unit is an appropriate unit. See, e.g., *Capital Coors*, 309 NLRB 322, 322, 325 (1992) (petitioned-for two-plant unit was an appropriate unit, notwithstanding that the plants were 90–100 miles and a 2.5–3-hour drive apart).